

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 16194 of Management Acquisition of Virginia, pursuant to 11 DCMR 3108.1, for a special exception under Section 214 to establish accessory parking spaces for a renal clinic on the R-2 portion of a split zoned lot in an R-2/R-5A District at premises 5155 Lee Street, N.E., (Square 5200, Lot 806).

HEARING DATE: January 22, 1997  
DECISION DATE: February 5, 1997

SUMMARY ORDER

The Board provided proper and timely notice of public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7C. ANC 7C, which is automatically a party to the application, did not submit a written statement related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 214. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map. It is therefore ORDERED that this application is GRANTED subject to the following conditions:

1. The lighting and landscaping of the parking lot and property shall be as shown on Exhibit 24 of the record.
2. The light posts to be installed on the property shall not exceed twelve (12) feet in height.

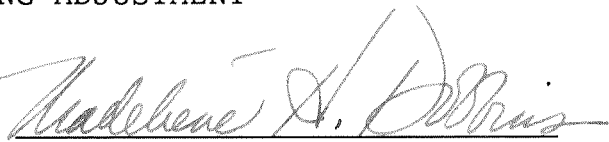
3. The fence to be installed on the property along the east and west sides of the property shall not exceed four (4) feet in height for distance of twenty (20) feet from the front property line.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirements of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case.

VOTE: 3-0 (Susan Morgan Hinton and Maybelle Taylor Bennett to grant; Laura M. Richards to grant by absentee vote; Angel F. Clarens not voting, not having heard the case; Sheila Cross Reid not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: MAY 2 1997

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AS THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

SUM16194

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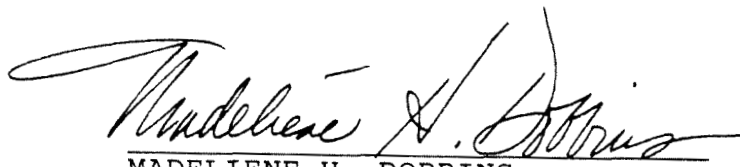


BZA APPLICATION NO. 16194

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAY 2 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Phil Feola, Esq.  
Wilkes, Artis, Hedrick & Lane  
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Edward H. Harris, Chairperson  
Advisory Neighborhood Commission 7C  
1101 51st Place, N.E.  
Washington, D.C. 20019

  
MADELIENE H. DOBBINS  
Director

Date: MAY 2 1997